

Bonnie Lowenthal, Vice Mayor, 1st District
Suja Lowenthal, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Gerrie Schipske, 5th District
Laura Richardson, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, 9th District

Gerald R. Miller, City Manager
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Robert E. Shannon, City Attorney

PROCLAMATION PRESENTED FOR MUSCULAR DYSTROPHY AWARENESS DAY

Ordinance No. C-7594 provides that hearings shall be set for 5:00 P.M. each Tuesday, and such hearings shall be held at the specified time for which they are set or as soon as practical regardless of the otherwise order of business of the City Council.

CONTINUED HEARING:

1. [06-0826](#) Recommendation to continue the item amending the Downtown Planned Development District (PD-30) related to creation of a Downtown Loft District to the October 17, 2006 meeting. (Districts 1,2)

Office or Department: PLANNING COMMISSION; PLANNING AND BUILDING

Suggested Action: Approve recommendation.

HEARINGS:

2. [06-0957](#) Recommendation to receive supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Noble/Utah Long Beach LLC, dba The Westin Long Beach, 333 E. Ocean Blvd., for a Permit for Entertainment With Dancing by Patrons at an existing restaurant. (District 2)

Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.

REVISED

3. [06-0958](#) Recommendation to receive the supporting documentation into the record, conclude the hearing and grant the Permit, with or without conditions, or deny the Permit on the application of Frisco's Food Services, dba Frisco's Restaurant, 4750 Los Coyotes Diagonal, for a Permit for Entertainment Without Dancing by Patrons at an existing restaurant. (District 4)
- Office or Department:** FINANCIAL MANAGEMENT
- Suggested Action:** Approve recommendation.
4. [06-0959](#) Recommendation to receive the supporting documentation into the record, conclude the public hearing on the proposed amendments to the Zoning Regulations, and declare ordinance, prohibiting stores greater than 100,000 square feet in size that have greater than 10 percent of floor area dedicated to non-taxable merchandise with exemptions for merchandise clubs that sell primarily bulk merchandise, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-10) (Citywide);
- [06-0980](#) Recommendation to declare ordinance amending PD-25 read the first time and laid over to the next regular meeting of the City Council for final reading (District 6);
- [06-0981](#) Recommendation to declare ordinance amending PD-29 read the first time and laid over to the next regular meeting of the City Council for final reading (Districts 1,6,7);
- [06-0982](#) Recommendation to declare ordinance amending PD-30 read the first time and laid over to the next regular meeting of the City Council for final reading (Districts 1,2);
- [06-0960](#) Recommendation to declare ordinance, establishing new fees associated with condominium conversions, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-11) (Citywide);

[06-0961](#) Recommendation to declare ordinance, reclassifying painting contractors from a prohibited use to a permitted use relative to home occupation uses, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-13) (Citywide);

[06-0962](#) Recommendation to declare ordinance, amending the City's residential density bonus standards to conform with the State of California residential regulations, read the first time and laid over to the next regular meeting of the City Council for final reading (Case No. 0601-14) (Citywide); and

[06-0963](#) Recommendation to adopt resolution submitting applicable ordinance amendments to the California Coastal Commission as Implementing Resolutions for the City's Local Coastal Plan.

Office or Department: PLANNING COMMISSION; PLANNING AND BUILDING

Suggested Action: Approve recommendation.

PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK

Opportunity to address the City Council (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk beginning at 15 minutes prior to 5:00 p.m. Each speaker is allowed three minutes to make their comments.

NOTICE TO THE PUBLIC

CONSENT CALENDAR: (5 - 24)

5. [06-0979](#) Recommendation to receive and file the Public Safety Advisory Commission Tobacco Permit Program.

Office or Department: PUBLIC SAFETY ADVISORY COMMISSION

Suggested Action: Approve recommendation.

6. [06-0966](#) Recommendation to authorize City Manager to execute a Second Amendment to Contract with legal counsel Wickwire Gavin LLP to add \$200,000 and to substitute the law firm of Akerman, Senterfitt LLP in the matter entitled, Leonard McSherry v. City of Long Beach, et al., Case No. CV 02-03767.
Office or Department: CITY ATTORNEY
Suggested Action: Approve recommendation.
7. [06-0926](#) Recommendation to refer to City Attorney damage claims received between September 7, 2006 and September 14, 2006.
Office or Department: CITY CLERK
Suggested Action: Approve recommendation.
8. [06-0965](#) Recommendation to receive and approve changes for the Biennial Conflict of Interest Code Review for departments and commissions.
Office or Department: CITY CLERK
Suggested Action: Approve recommendation.
9. [06-0928](#) Recommendation to receive and file annual report of the Downtown Long Beach Parking and Business Improvement Area, approve the proposed budget for Fiscal Year 2007, and authorize City Manager to execute a contract with the Downtown Long Beach Associates for the period of October 1, 2006 through September 30, 2007. (Districts 1,2)
Office or Department: COMMUNITY DEVELOPMENT
Suggested Action: Approve recommendation.
10. [06-0929](#) Recommendation to refer to Hearing Officer Appeal to Denial of Business License by Biggs, LLC, dba Biggs, 4722 E. 2nd Street. (District 3)
Office or Department: FINANCIAL MANAGEMENT
Suggested Action: Approve recommendation.

11. [06-0930](#) Recommendation to authorize City Manager to execute First Amendment to Contract No. 27423 with Tier Technologies to shorten cancellation clause from one year to six months, and to reduce annual contract amount from \$255,670 to \$147,900 in Fiscal Year 2007. (Citywide)
Office or Department: FINANCIAL MANAGEMENT
Suggested Action: Approve recommendation.
12. [06-0931](#) Recommendation to adopt Specifications No. PA-01206 and award contracts to Specialized Environmental, Inc., Vizion's West, Inc., Universal Abatement Services, Asbestos Instant Response, Inc., and Watson Painting Corporation for lead-based paint removal and control, in the total estimated annual amount of \$500,000 for the period of one year, with the option to renew for two additional one-year periods, at the discretion of the City Manager. (Citywide)
Office or Department: FINANCIAL MANAGEMENT
Suggested Action: Approve recommendation.
13. [06-0933](#) Recommendation to adopt resolution authorizing City Manager to execute a 36-month Lease of Copier Equipment, Consent to Assignment Agreement, Sales Orders, Supply Service Contracts, Cost per Copy Service Agreements, and amendments to extend the contract with Konica Minolta Business Solutions U.S.A., Inc., to provide photocopiers, color printers and copier vending machines. (Citywide)
Office or Department: LIBRARY SERVICES
Suggested Action: Approve recommendation.
14. [06-0932](#) Recommendation to authorize City Manager to execute an Oil and Gas Lease and Wellbore Agreement between the City of Long Beach and the Terra Exploration & Production Company regarding Oil Well "Rose 12," and authorize City Manager to execute any subsequent amendments to the Agreement. (District 7)
Office or Department: LONG BEACH GAS AND OIL
Suggested Action: Approve recommendation.

15. [06-0935](#) Recommendation to receive and file the application of Delfino Jaramillo, dba Yanga Mini Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 732 E. 7th Street, with existing conditions. (District 1)
Office or Department: POLICE
Suggested Action: Approve recommendation.
16. [06-0937](#) Recommendation to receive and file the application of 7 Eleven Incorporated, dba 7 Eleven Store 2174 25314D, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1785 Palo Verde Avenue, with existing conditions. (District 3)
Office or Department: POLICE
Suggested Action: Approve recommendation.
17. [06-0938](#) Recommendation to receive and file the application of Peter Tang, dba Young's Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6432 Paramount Boulevard, with existing conditions. (District 9)
Office or Department: POLICE
Suggested Action: Approve recommendation.
18. [06-0939](#) Recommendation to authorize City Attorney to accept an easement deed for additional sidewalk area at southwest corner of Seventh Street and Redondo Avenue. (District 2)
Office or Department: PUBLIC WORKS
Suggested Action: Approve recommendation.

REVISED

19. 06-0940 Withdrawn
~~Recommendation to find that all requirements of the final subdivision map have been satisfied and approve the map for Tract No. 61304 located at the southwest corner of The Promenade and Third Street. (District 2)~~
Office or Department: PUBLIC WORKS
- Suggested Action:** Approve recommendation.
20. [06-0941](#) Recommendation to authorize a public walkways occupancy permit for sidewalk dining at Sunnin Lebanese Café located at 5110 East Second Street. (District 3)
Office or Department: PUBLIC WORKS
- Suggested Action:** Approve recommendation.
21. [06-0942](#) Recommendation to authorize City Manager to enter into an Other Transaction Agreement with the U.S. Transportation Security Administration (TSA) and any necessary amendments, so that the City's Public Works Department can "contract in", as necessary, to design, project manage, and construct the employee safety enhancements required of the TSA by the Federal Occupational Safety and Health Administration (OSHA). (District 5)
Office or Department: PUBLIC WORKS
- Suggested Action:** Approve recommendation.
22. [06-0927](#) Recommendation to receive and file minutes of:
Planning Commission - May 4, June 15, July 6 and August 3, 2006
Water Commission - August 3, 2006
Office or Department: VARIOUS
- Suggested Action:** Approve recommendation.
23. [06-0977](#) Recommendation to approve Proclamation presented for Muscular Dystrophy Awareness Day.
Office or Department: LEGISLATIVE
- Suggested Action:** Approve recommendation.

REGULAR AGENDA

DEPARTMENTAL COMMUNICATIONS:

24. [06-0968](#) Recommendation to receive and file report on attendance at the League of California Cities 2006 Annual Conference and Exposition in San Diego, CA and Long Beach, Mississippi trip.
Office or Department: MAYOR BOB FOSTER

Suggested Action: Approve recommendation.
25. [06-0974](#) Recommendation to receive and file report on the League of California Cities 2006 Annual Conference on September 6 - 9, 2006 in San Diego, CA.
Office or Department: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT

Suggested Action: Approve recommendation.
26. [06-0973](#) Recommendation to receive and file report on the National Latino Congreso on September 6 - 10, 2006 in Los Angeles, CA.
Office or Department: COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT

Suggested Action: Approve recommendation.
27. [06-0969](#) Recommendation to request City Manager to initiate a downtown visioning process that would include appropriate City Council offices, City departments, Downtown stakeholders, businesses and residents, in an effort to address future development patterns and the mixture of uses including, heights, densities, parking, circulation and appropriate uses to create a vibrant, successful downtown.
Office or Department: COUNCILMEMBER SUJA LOWENTHAL, SECOND DISTRICT; VICE MAYOR BONNIE LOWENTHAL, COUNCILMEMBER, FIRST DISTRICT

Suggested Action: Approve recommendation.

28. [06-0975](#) Recommendation to receive and file report on the 38th Annual Legislative Conference held by the Congressional Black Caucus Foundation on September 8 - 10, 2006 in Washington D.C.
- Office or Department:** COUNCILWOMAN LAURA RICHARDSON, SIXTH DISTRICT
- Suggested Action:** Approve recommendation.
29. [06-0970](#) Recommendation to direct City Manager to request the Trust for Public Lands to pursue acquiring the Wrigley Heights property north of the 405 Freeway between the Los Angeles River and the Metro Blue Line tracks for the preservation of open space and incorporation into the Long Beach RiverLink plan.
- Office or Department:** COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT; COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
- Suggested Action:** Approve recommendation.
30. [06-0971](#) Recommendation to request City Attorney to draft a resolution in recognizing Hispanic Heritage Month.
- Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT; VICE MAYOR BONNIE LOWENTHAL, COUNCILMEMBER, FIRST DISTRICT
- Suggested Action:** Approve recommendation.
31. [06-0972](#) Recommendation to request a City Proclamation in honor of the 2006 ABWA National Women's Leadership Conference.
- Office or Department:** COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT
- Suggested Action:** Approve recommendation.

32. [06-0944](#) Recommendation to approve and authorize the payment of \$1.5 million to the Redevelopment Agency for the acquisition of property at 4258-4260 Atlantic Avenue for \$1,350,000 plus closing costs and subsequent tenant improvements; and increase appropriation in the Planning and Building Department (PB) General Grants Fund (SR 120) by \$1,500,000. (District 8)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

33. [06-0945](#) Recommendation to authorize City Manager to execute a lease amendment to Lease No. HD-4436 to extend the term to March 31, 2072; and accept a pre-payment of rent for the entire extended term to facilitate the rehabilitation and continued operation of the Coast Hotel at 600 Queensway Drive. (District 2)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

34. [06-0943](#) Recommendation to authorize City Manager to execute a Fifth Amendment to Agreement No. 26085 to extend the contract term to December 31, 2006 with ACE Parking Management, Inc., to provide parking management services in the Downtown area. (Districts 1, 2)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

35. [06-0946](#) Recommendation to authorize City Manager to execute the Third Amendment to Lease No. 23509 with BANCAP Marina Center, Inc. a California corporation, for City-owned property at 241 - 255 Marina Drive to decrease the annual base rent to \$360,000 and increase the percentage rent to 75 percent. (District 3)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

36. [06-0889](#) Recommendation to adopt resolution authorizing issuance and sale of the 2006 Open Space lease revenue bonds to fund the expansion of parks and open space in underserved communities, in an amount not to exceed \$25 million, and authorize City Manager to execute all necessary documents. (District 1,2,4,6,7,9)
- Office or Department:** FINANCIAL MANAGEMENT; COMMUNITY DEVELOPMENT; PARKS, RECREATION AND MARINE
- Suggested Action:** Approve recommendation.
37. [06-0890](#) Recommendation to approve Fiscal Year 2006 fourth quarter departmental and fund budget appropriation adjustments in accordance with existing City Council policy. (Citywide)
- Office or Department:** FINANCIAL MANAGEMENT
- Suggested Action:** Approve recommendation.
38. [06-0947](#) Recommendation to refer the Fiscal Year 2006 Third Quarter Budget Performance Report to the Budget Oversight Committee. (Citywide)
- Office or Department:** FINANCIAL MANAGEMENT
- Suggested Action:** Approve recommendation.
39. [06-0948](#) Recommendation to authorize City Manager to execute a lease-purchase agreement and related financing documents with Bank of America Public Capital Corporation for the financing of ambulances, Fire rescue boats and a debris skimmer boat in an amount not to exceed \$2,495,000 including interest, payable over a seven-year period. (Citywide)
- Office or Department:** FINANCIAL MANAGEMENT
- Suggested Action:** Approve recommendation.

40. [06-0949](#) Recommendation to adopt resolution authorizing City Manager to submit a grant application through the Recreational Trails Program of the State of California, Department of Parks and Recreation, in the amount of \$305,805 for the Red Car Greenway Trail Project, and based on the receipt of the grant and other funding, to execute any documents necessary for the implementation and administration of the project at a total cost of \$1,161,180. (District 6)

Office or Department: PARKS, RECREATION AND MARINE

Suggested Action: Approve recommendation.

41. [06-0950](#) Recommendation to authorize City Manager to execute an agreement with EDAW Associates for FY 07 and FY 08, for an amount not to exceed \$970,000, to assist in the City's General Plan Update;

[06-0951](#) Recommendation to authorize City Manager to execute an agreement with CITYWORKS Design for FY 07 and FY 08, for an amount not to exceed \$180,000, to assist in the City's General Plan Update; and

[06-0952](#) Recommendation to authorize City Manager to extend the term of each agreement for an additional one-year term, if necessary, and further authorize City Manager to amend the Scope of Services provided by the consultants, if necessary within the not to exceed amounts. (Citywide)

Office or Department: PLANNING AND BUILDING; LONG BEACH
GAS AND OIL; COMMUNITY DEVELOPMENT;
WATER

Suggested Action: Approve recommendation.

42. [06-0936](#) Recommendation to receive and file the application of Vintners Paradise LLC, dba Seaport Winery, for an original Alcoholic Beverage Control License, at 429 Shoreline Village Drive Suites E & F, with conditions. (District 2)

Office or Department: POLICE

Suggested Action: Approve recommendation.

43. [06-0955](#) Recommendation to receive and file the Public Works Department's Adopt-A-Waterway/Ecozone Program Presentation. (Citywide)
Office or Department: PUBLIC WORKS
Suggested Action: Approve recommendation.
44. [06-0956](#) Recommendation to authorize City Attorney to extend the Statute of Limitations until January 5, 2007, in order to engage in future negotiations with Airport Project Appellants. (District 5)
Office or Department: PUBLIC WORKS
Suggested Action: Approve recommendation.
45. [06-0953](#) Recommendation to adopt Plans and Specifications No. R-6527 for the Construction of Jack Nichol Park; and authorize City Manager to award the contract to Pima Corporation, in an estimated amount of \$959,500, plus a 15% contingency amount, if necessary, and execute all necessary documents related to the contract; and
- [06-0954](#) Recommendation to decrease appropriations in the Tidelands Fund (TF) in the Department of Parks, Recreation & Marine (PR); and increase appropriations in the Tidelands Fund (TF) in the Department of Public Works (PW) by \$975,000. (District 3)
Office or Department: PUBLIC WORKS; PARKS, RECREATION AND MARINE
Suggested Action: Approve recommendation.

ORDINANCES:

46. [06-0964](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Subsection 10.32.110 relating to preferential residential parking, modifying Preferential Parking District "R" read the first time and laid over to the next regular meeting of the City Council for final reading. (District 4)

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

47. [06-0967](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.14.020, Subsection A, relating to traffic operations read the first time and laid over to the next regular meeting of the City Council for final reading. (District 8)

Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

48. [06-0887](#) Recommendation to declare ordinance approving the Belmont Shore Parking and Business Improvement Area program continuing the assessment for the period of October 1, 2006 through September 30, 2007 with an increased assessment rate, read and adopted as read. (District 3)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

49. [06-0888](#) Recommendation to declare ordinance approving the Bixby Knolls Parking and Business Improvement Area program continuing the assessment for the period of October 1, 2006 through September 30, 2007 with a decreased assessment rate, read and adopted as read. (Districts 7,8)

Office or Department: COMMUNITY DEVELOPMENT

Suggested Action: Approve recommendation.

50. [06-0867](#) Recommendation to declare Appropriations Ordinance for FY 2006 - 07, creating and establishing the funds of the Municipal Government and appropriating money to and authorizing expenditures from said funds for said fiscal year, read and adopted as read. (ORD-06-0032) (Citywide)
Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.
51. [06-0854](#) Recommendation to declare ordinance approving Resolution No. WD-1219, establishing the rates and charges for water and sewer service to all customers, as adopted by the Board of Water Commissioners on August 17, 2006, read and adopted as read. (Citywide)
Office or Department: FINANCIAL MANAGEMENT

Suggested Action: Approve recommendation.
52. [06-0916](#) Recommendation to declare ordinance relating to the elimination of certain references to user fees and charges from the Long Beach Municipal Code, and relating to resolution establishing a partial schedule of fees and charges for specified City services for the Departments of Community Development, Financial Management, Fire, Health and Human Services, Parks, Recreation and Marine, Planning and Building, Police, and Public Works, read and adopted as read. (Citywide)
Office or Department: CITY ATTORNEY

Suggested Action: Approve recommendation.

REVISED

NEW BUSINESS:

53. [06-0983](#) Recommendation to authorize City Manager to execute the renewal of contracts with PacifiCare for the Health Maintenance Organization (HMO) group health plan; Delta Dental for the fee-for-service dental plan; PacifiCare Dental for the closed-panel dental plan; Standard Insurance Company for Long and Short Term Disability; and Union Mutual Life Insurance Company (UNUM) through Larry Lambert & Associates Insurance Services for the long-term care benefits;
- Authorize City Manager to execute an amendment to extend the existing contract on a month-to-month basis with Great-West Life, the City's Third Party Administrator for the Preferred Provider Organization (PPO) and the Point of Service (POS) group health plans and to continue the City's self-funded, in-hospital indemnity program administered by Great-West Life; and
- Authorize City Manager to execute any subsequent amendments necessary to maintain current benefit levels and remain in compliance with state and federal laws on all plans. (Citywide)
- Office or Department:** HUMAN RESOURCES
- Suggested Action:** Approve recommendation.

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PUBLIC: IMMEDIATELY PRIOR TO ADJOURNMENT

Opportunity is given to those members of the public who have not addressed the City Council on non-agenda items. Each speaker is limited to three minutes unless extended by the City Council.

STANDING COMMITTEE REMINDERS:

HEARING REMINDERS:

NOTE:

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